



**Benjamin W. Hulse**  
**Direct Dial: 612-343-3256**  
**E-Mail: [bhulse@blackwellburke.com](mailto:bhulse@blackwellburke.com)**

July 11, 2018

**VIA ECF**

The Honorable Joan N. Ericksen  
District Judge, District of Minnesota  
United States District Court  
12W U.S. Courthouse  
300 South Fourth Street  
Minneapolis, MN 55415

RE: *In re Bair Hugger Forced Air Warming Devices Products Liability Litigation*  
MDL No. 15-2666-JNE-FLN

Dear Judge Ericksen:

I am writing to update the Court on Defendants' Motion to Dismiss for Failure to Comply with Pretrial Order No. 14 (ECF No. 1316). This Motion concerns PFS deficiencies.

First, Plaintiff in *Richey v. 3M Co., et al.* (No. 17-cv-5323) suggests death in response to the Motion, but failed to do so within the deadlines imposed under Pretrial Order No. 23, and did not communicate the information to Defendants' counsel at any time prior to the filing of the Motion.

Second, Mr. Nickell's claims in *Nickell v. 3M Co., et al.* (No. 17-cv-04285) are also subject to Defendants' pending Motion to Dismiss for Failure to Comply with Pretrial Order No. 23 (ECF No. 1323). The Motion to Dismiss for Failure to Comply with Pretrial Order No. 23 (unlike the Motion for Failure to Comply with Pretrial Order No. 14) does not apply to Ms. Nickell's loss-of-consortium claims.

Finally, Plaintiffs in *Holstine v. 3M Co., et al.* (No. 17-cv-04476), *Gottfried v. 3M Co., et al.* (No. 18-cv-00078), *Coleman v. 3M Co., et al.* (No. 18-cv-00154), *Proffit v. 3M Co., et al.* (No. 18-cv-00184), *Guenther v. 3M Co., et al.* (No. 18-cv-00207), and *Owens v. 3M Co., et al.* (No. 18-cv-00275) served their original or amended PFSs after the Motion was filed. Defendants have also been advised that Plaintiffs in *Harris v. 3M Co., et al.* (18-cv-00080) and *Ciccone v. 3M Co., et al.* (No. 17-cv-03629) recently passed away. Following discussions between the parties' counsel, Defendants will no longer be seeking dismissal of these eight cases as part of this Motion.

The Honorable Joan N. Ericksen

July 11, 2018

Page 2

Sincerely,

*s/Benjamin W. Hulse*

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